HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 177 of 2006 (MS)

Lahiram Singh Sajwan s/o Sri Balram Singh
R/o village Virpur Dunda, Tehsil Dunda,
District Uttarkashi ..... Petitioner

Versus

1. District Judge, Uttarkashi
2. Sri Prakash Sharma, A.C.F. Forest Division, New Tehri
3. Sri M.P. Singh, Divisional Forest Officer, 17 Rana Pratap Marg, Lucknow.
4. Divisional Forest Officer, Uttarkahsi
5. State of Uttaranchal ..... Respondents

Sri Sudhir Singh, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 27.4.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Sudhir Singh Counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has challenged the orders dated 1.4.2005 and 17.9.2005 passed by the District Judge, Uttarkashi.

By the impugned order dated 1.4.2005 the District Judge has rejected the application of the petitioner for permitting him to sue as an indigent person under Order XXXIII Rule 1 of the Code of Civil Procedure. The review application was also dismissed vide order dated 17.8.2005

An appeal against the order passed under Order XXXIII Rule 5 rejecting an application for permission to sue as an indigent person is provided under Order XLIII Rule 1 (na) of the Code of Civil Procedure. Thus the present writ petition is not maintainable and deserves to be dismissed on the ground of alternative remedy. However, liberty is given to the petitioner to file an appeal against the impugned order. Certified copies of the document be returned to the petitioner.

Accordingly, writ petition is dismissed on the ground of alternative remedy. No order as to costs.

Dated: 27.04.2006 **(Rajesh Tandon, J.)**

*Dhyani